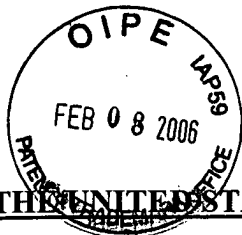


S/N 09/970,146



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[Signature]
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric G. Lovett et al.

Examiner: Kennedy Schaetzle

Serial No.: 09/970,146

Group Art Unit: 3766

Filed: October 2, 2001

Docket: 279.262US1

Title: MEDICAL DEVICE HAVING RHEOMETRIC MATERIALS AND METHOD THEREFOR

**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

In compliance with 37 C.F.R. § 41.31(a)(1), Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated October 5, 2005, of the Examiner rejecting claims 1-37 and 58-69 of the above-identified patent application.

A Pre-Appeal Brief Request for Review is submitted herewith.

Please charge the amount of \$500.00 in payment of the Notice of Appeal fee under 37 C.F.R. § 41.20(b)(1), as well as any additional required fees, to Deposit Account No. 19-0743.

Respectfully submitted,

ERIC G. LOVETT ET AL.

By Applicants' Attorneys,

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Date

2/6/06

By

[Signature of Thomas C. Obermark]

Thomas C. Obermark

Reg. No. 55,506

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of February, 2006.

Name

Paula Suchy

Signature

Paula Suchy